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HAWAII PACIFIC HEALTH;
WILCOX MEMORIAL HOSPITAL;
and KAUAI MEDICAL CLINIC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MATTHEW R. LEIMBACH,

Plaintiff,

vs.

HAWAII PACIFIC HEALTH,
WILCOX MEMORIAL HOSPITAL,
KAUAI MEDICAL CLINIC,
and DOES 1-50,

Defendants.

CIVIL NO. 14-00246 JMS-RLP
(EMTALA)

STIPULATION REGARDING
PROCEDURE FOR FILING
DOCUMENTS CONTAINING
“MEDICAL INFORMATION”
AND/OR “PERSONAL
IDENTIFIERS” IN COURT

STIPULATION REGARDING PROCEDURE FOR FILING
DOCUMENTS CONTAINING “MEDICAL INFORMATION”
AND/OR “PERSONAL IDENTIFIERS” IN COURT

IT IS HEREBY STIPULATED by and between Plaintiff

MATTHEW R. LEIMBACH (hereafter, “Plaintiff”) and Defendants HAWAII PACIFIC HEALTH, WILCOX MEMORIAL HOSPITAL and KAUAI MEDICAL CLINIC (hereinafter “Defendants”) (collectively hereafter “Parties”) that all documents filed with the Court in this matter containing “medical information” and/or “personal identifiers” regarding Plaintiff shall be governed by the terms of this Stipulation.

The term “medical information” herein refers to all information and/or data relating to Plaintiff’s past, present or future physical and/or mental health care, as pertinent to the events and allegations that are the subject of the above-entitled Complaint.

The term “personal identifiers” herein refers to Plaintiff’s social security number, medical records number, hospital account number, date of birth, home address, phone number(s) and email address(es), which Plaintiff considers to be private information.

In the above-entitled Complaint, Plaintiff contends that the medical evaluation and care provided to him by Defendants between May 24, 2012 and May 31, 2012 failed to comply with the requirements of the Emergency Medical

Treatment & Labor Act (“EMTALA”). As the case proceeds, Parties anticipate that they will file documents with the court, produce documents to the other parties, answer interrogatories, and provide testimony disclosing medical information about Plaintiff. Some of the documents may contain “personal identifiers.”

To adequately protect information considered by Plaintiff to be private, expedite the flow of discovery, and facilitate the filing of documents with the court, Parties agree that:

1. Pleadings and other documents filed with and/or submitted to the Court, including but not limited to pretrial statements, settlement conference statements, pleadings and the exhibits and supporting documents thereto, which contain “medical information” do not need to be filed under seal, but may be filed electronically or via service of hard copies, pursuant to Local Rules (“LR”) 5.3, 5.4 and 5.5 of the Rules of the United States District Court for the District of Hawaii. Plaintiff understands that, once filed/submitted, such documents become part of the public record.

2. Parties shall partially redact “personal identifiers,” as defined above, from all documents and pleadings filed with and/or submitted to the Court herein, including exhibits, declarations and other supporting documents. *See* LR 100.10.1.

3. A Party that wishes to file a document containing “personal identifiers” must file a reference list under seal, pursuant to LR 100.10.2. The reference list shall contain the complete personal identifiers and the redacted identifiers used in their place in the filing. *Id.* All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal identifiers. *Id.* A redacted version of the document shall be filed and become part of the public record. *Id.*

4. Any person or entity who becomes a party to this litigation after the date hereof shall be bound by the terms of this Stipulation upon the filing and service upon each party to this Action of an executed copy of an Agreement to Join Stipulation, in the form attached hereto as Exhibit "A." Upon so doing, any such person or entity shall fully bear the burdens and enjoy the benefits of this Stipulation.

5. The Court shall retain jurisdiction, both before and after the entry of final judgment in this case, whether by settlement or adjudication, to construe, enforce, and amend the provisions of this Stipulation.

6. Plaintiff and counsel for all appearing parties have signed this Stipulation. The attorney(s) signing below are deemed authorized to commit themselves, their law firms and their client(s) to the terms of this Stipulation.

7. This Stipulation may be executed in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one and the same instrument.

DATED: Honolulu, Hawai'i, April 13, 2015.

/s/ Matthew R. Leimbach
MATTHEW R. LEIMBACH
Plaintiff

/s/ Stephen M. Shaw
STEPHEN M. SHAW, ESQ.
PAUL H. SACCOCCIO, ESQ.

Attorneys for Plaintiff
MATTHEW R. LEIMBACH

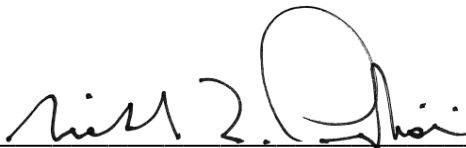
/s/ Jan M. Vernon
WILLIAM S. HUNT, ESQ.
JAN M. VERNON, ESQ.

Attorneys for Defendants
HAWAII PACIFIC HEALTH,
WILCOX MEMORIAL
HOSPITAL
and KAUAI MEDICAL CLINIC

APPROVED AND SO ORDERED.

DATED AT HONOLULU, HAWAII, APRIL 14, 2015.




Richard L. Puglisi
United States Magistrate Judge

Leimbach v. Hawaii Pacific Health., et al., Civil No. CV14-00246 JMS-RLP; STIPULATION REGARDING PROCEDURE FOR FILING DOCUMENTS CONTAINING "MEDICAL INFORMATION" AND/OR "PERSONAL IDENTIFIERS" IN COURT

EXHIBIT A

AGREEMENT TO JOIN STIPULATION AS A PARTY

The undersigned acknowledges and agrees that (1) I am an attorney-of-record for a party to this action, *MATTHEW R. LEIMBACH vs. HAWAII PACIFIC HEALTH, et al.*, CIVIL NO. CV 14-00246 JMS-RLP, the name of which party is given below; (2) the party I represent in this action is not a party to the Stipulation Allowing Pleadings Containing Protected Health Information To Be Filed In Open Court entered herein on April __, 2015 ("Stipulation"); (3) I have read and understand the Stipulation; (4) I am authorized to bind and hereby do agree to bind the party named below to each and every term of the Stipulation on the same terms as each other party to the Stipulation from and as of the date of entry of the Stipulation.

DATED: Honolulu, Hawai'i, _____.

Signature

Name: _____

Firm: _____

Party: _____